

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3024
v.)	
)	
MICHAEL A. VALENCIA,)	
)	MEMORANDUM AND ORDER
Defendant.)	
_____)	

Defendant appeared before me this date for the purpose of entry of a guilty plea. Defendant moved orally for a continuance of the matter in order that the defendant may enroll and complete a GED program, in hopes of proposing an alternative disposition to the case. The government did not oppose the motion.

IT THEREFORE HEREBY IS ORDERED,

1. The oral motion is granted and the matter is continued to April 20, 2006 at 10:00 a.m. for the purpose of a status hearing. At that time the court will either accept a guilty plea, set the matter for trial, or receive the defendant's and/or the government's proposal for some alternative action. No further continuances will be granted.

2. The order setting defendant's conditions of release, filing 9, is amended to add the following paragraph 7(f), as follows:

7.(f): Defendant shall enroll and complete an appropriate class to obtain his General Equivalency Diploma. In the event the defendant completes, drops out, or is terminated from the class at Southeast Community College, he shall immediately notify his attorney and the pretrial services officer, so a hearing can be set before me to address conditions of release.

3. Defendant, in open court, waived his right to speedy trial so as to obtain the continuance granted by this order. In addition, I find that the ends of justice are served by the

continuance, in that the defendant's interests in having an opportunity to obtain his GED outweigh the interests of the defendant and the public in a speedy trial. Therefore, the time between this date and April 20, 2006 shall not be included in any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.

DATED this 15th day of February, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge